

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Docket No. 29088]****Airport Privatization Pilot Program****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of acceptance for review: Preliminary application for Stewart International Airport, Newburgh, New York.

SUMMARY: The Federal Aviation Administration (FAA) has completed its review of the Stewart International Airport (SWF) preliminary application for participation in the airport privatization pilot program. The preliminary application is accepted for review, with a filing date of October 23, 1997. The New York State Department of Transportation (NYSDOT), the airport sponsor, may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption under the pilot program.

49 U.S.C. Section 47134 establishes an airport privatization pilot program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to five airport privatization projects. The application procedures require the FAA to publish a notice in the **Federal Register** after review of a preliminary application. The FAA must publish a final application in the **Federal Register** for public review and comment for a sixty day period. The SWF preliminary application is available for public review in the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 29088, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Benedict D. Castellano, Manager, (202-267-8728) or Kevin C. Willis (202-267-8741) Airport Safety and Compliance Branch, AAS-310, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:**Introduction and Background**

Section 149 of the Federal Aviation Administration Authorization Act of 1996, Pub. L. No. 104-264 (October 9, 1996) (1996 Reauthorization Act), adds a new § 47134 to Title 49 of the U.S. Code. Section 47134 authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received

Federal assistance, from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes, to pay back a portion of Federal grants upon the sale of an airport, and to return airport property deeded by the Federal Government upon transfer of the airport. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the Federal Aviation Administration issued a notice of procedures to be used in applications for exemption under Airport Privatization Pilot Program (62 FR 48693). That notice, and public comments received on a notice of proposed procedures issued in April 1997, are available for review in FAA Rules Docket No. 28895. A request for participation in the Pilot Program must be initiated by the filing of either a preliminary or final application for exemption with the FAA.

Final and preliminary applications were not accepted before December 1, 1997, unless an applicant has issued a request for proposal (RFP) on or before the date of the notice, September 16, 1997. Applicants that had already issued a RFP for proposals for the sale or lease of the airport on or before September 16, 1997 and had selected a private operator could submit a final application for review before December 1, 1997. Applicants that had issued the RFP but had not selected a private operator could file a preliminary application on or before December 1, 1997.

NYSDOT issued its RFP on June 19, 1997, for Stewart International Airport, Newburgh, New York and has not selected a private operator. It was, therefore qualified to submit a preliminary application prior to December 1, 1997. The filing date of the NYSDOT preliminary application is October 23, 1997, the date the preliminary application was received by the FAA. NYSDOT may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption.

When a final application is reviewed by the FAA, a notice that the application is available for review will be published in the **Federal Register**, with a sixty day comment period.

Issued in Washington, DC on December 9, 1997.

Susan L. Kurland,*Associate Administrator for Airports.*

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Summary Notice No. PE-97-62]****Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before January 6, 1998.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Angela Anderson (202) 267-9681 or Tawana Matthews (202) 267-9783, Office of Rulemaking (ARM-1), Federal